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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/462,179      | 03/10/2000  | NICOLANGELO PEDUTO   | 022701-854          | 4762             |

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| EXAMINER |
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PATTERSON, MARC A

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| ART UNIT | PAPER NUMBER |
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1772

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| MAIL DATE | DELIVERY MODE |
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08/22/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/462,179

**Applicant(s)**

PEDUTO ET AL.

**Examiner**

Marc A. Patterson

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-19 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-19 and 21-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

**REPEATED REJECTIONS**

1. The 35 U.S.C. 103(a) rejection of Claims 1 – 3, 5 – 11, 19, 21 – 25 as being unpatentable over Okudaira et al (U. S. Patent No. 4,535,901) in view of Amann et al (German Patent No. 1,595,496), of record on page 2 of the previous Action, is repeated.
2. The 35 U.S.C. 103(a) rejection of Claims 12 and 14 – 18 as being unpatentable over Okudaira et al (U. S. Patent No. 4,535,901) in view of Amann et al (German Patent No. 1,595,496) and further in view of Princiotta et al (European Patent No. 0646627), of record on page 2 of the previous Action, is repeated.
3. The 35 U.S.C. 103(a) rejection of Claim 13 as being unpatentable over Okudaira et al (U. S. Patent No. 4,535,901) in view of Amann et al (German Patent No. 1,595,496) and further in view of VanBuskirk et al (U.S. Patent No. 5,357,030), of record on page 2 of the previous Action, is repeated.
4. The 35 U.S.C. 103(a) rejection of Claim 26 as being unpatentable over 35 U.S.C. 103(a) as being unpatentable over Okudaira et al (U. S. Patent No. 4,535,901) in view of Amann et al (German Patent No. 1,595,496) and further in view of Kitami et al (U.S. Patent No. 4,881,576), of record on page 2 of the previous Action, is repeated.

ANSWERS TO APPLICANT'S ARGUMENTS

5. Applicant's arguments regarding the 35 U.S.C. 103(a) rejection of Claims 1 – 3, 5 – 11, 19, 21 – 25 as being unpatentable over Okudaira et al (U. S. Patent No. 4,535,901) in view of Amann et al (German Patent No. 1,595,496), 35 U.S.C. 103(a) rejection of Claims 12 and 14 – 18 as being unpatentable over Okudaira et al (U. S. Patent No. 4,535,901) in view of Amann et al (German Patent No. 1,595,496) and further in view of Princiotta et al (European Patent No. 0646627), 35 U.S.C. 103(a) rejection of Claim 13 as being unpatentable over Okudaira et al (U. S. Patent No. 4,535,901) in view of Amann et al (German Patent No. 1,595,496) and further in view of VanBuskirk et al (U.S. Patent No. 5,357,030), and 35 U.S.C. 103(a) rejection of Claim 26 as being unpatentable over 35 U.S.C. 103(a) as being unpatentable over Okudaira et al (U. S. Patent No. 4,535,901) in view of Amann et al (German Patent No. 1,595,496) and further in view of Kitami et al (U.S. Patent No. 4,881,576), of record in the previous Action, have been carefully considered but have not been found to be persuasive for the reasons set forth below.

Applicant argues, on page 3 of the remarks dated May 29, 2007, that Okudaira et al teach that polyester is the preferred material for its innermost and outermost layers; polyamide, Applicant argues, is disclosed as a middle layer material.

However, although polyester is preferred, polyamide is also clearly disclosed as the material of the innermost and outermost layers.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc A Patterson whose telephone number is 571-272-1497. The examiner can normally be reached on Mon - Fri 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Marc A. Patterson* 8/26/07  
Marc A. Patterson, PhD.  
Primary Examiner  
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